

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NUR SHEIKH-ELMI,

Petitioner,

v.

GARLAND, et al.,

Respondent.

Case No. 2:24-cv-01048-TMC-TLF

ORDER TO SHOW CAUSE AND
RE-NOTING MOTION

Petitioner Nur Sheikh-Elmi commenced this 28 U.S.C. § 2241 immigration habeas corpus action seeking release from detention when he was detained by the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest ICE Processing Center (“NWIPC”) in Tacoma, Washington. Dkt. 1. Petitioner has been appointed counsel in this case. See Dkt. 5.

The petition asserts that although petitioner is subject to a final order of removal, there is no reasonable likelihood that his removal will take place in the reasonably foreseeable future; he asserts his detention has become “indefinite” under *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Id.* He argues his continued detention violates 8 U.S.C. § 1231(a)(6) and his due process rights. *Id.* The Government has filed a return memorandum and motion to dismiss. Dkt. 7. The parties have also submitted additional briefing pursuant to this Court’s orders that they do so. Dkts. 15, 24, 28.

On May 29, 2025, the Government filed a “notice of change in custody status”

1 informing the Court that petitioner was removed to Somalia on May 23, 2025, and
2 asserting that because he is no longer in immigration custody the case is rendered
3 moot. *See*, Dkt. 41 (citing *Foster v. Carson*, 346 F.3d 742, 745 (9th Cir. 2003)).

4 Under Article III of the U.S. Constitution, federal courts may adjudicate only
5 actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199
6 (1988). “For a habeas petition to continue to present a live controversy after the
7 petitioner’s release or deportation . . . there must be some remaining ‘collateral
8 consequence’ that may be redressed by success on the petition.” *Abdala v. I.N.S.*, 488
9 F.3d 1061, 1064 (9th Cir. 2007). Because petitioner’s habeas petition challenges only
10 the length of his immigration detention, his removal appears to render this case moot.
11 *See id.* at 1065.

12 Accordingly, it is hereby ORDERED:

13 (1) Petitioner’s counsel is directed to show cause by **July 7, 2025**, why this action
14 should not be dismissed as moot.

15 (2) The Clerk is directed to re-note the Government’s motion to dismiss (Dkt. 7) to
16 **July 7, 2025**.

17 (3) The Clerk is directed to provide a copy of this order to counsel for both parties
18 and to the Honorable Tiffany M. Cartwright.

19 Dated this 23rd day of June, 2025.

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Theresa L. Fricke
23 United States Magistrate Judge
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